TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1886.

No. 1237. — (1238 within)

JACOB C. SEALE, APPELLANT,

vs.

THE PARISH OF MADISON.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF LOUISIANA.

FILED OCTOBER 21, 1886.

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legally and justly and equitably due to complainant for his said services the sum of $39,788.00, with legal interest, of which only the sum of $5,400.00 is paid; that having made amicable demand on the police jury of said parish of Madison, and having waited patiently for compensation for his said services, in vain, complainant brought suit in your said court and obtained judgment for only $3,214.52 and interest; that from said judgment he prosecuted an appeal to the hon'l- the supreme court of Louisiana, and there obtained judgment for only $7,537.40 and interest, and that said supreme court of Louisiana refused to include in said judgment
3 a provision for the levee of a tax to pay the same, on the ground that the law requiring that whenever a judgment was rendered against a municipal corporation the judgment at the same time should provide for its payment by ordering the assessment and collection of a special tax to satisfy the same had been repealed by the act of 1877, and that although the services were rendered by complainant, and the compensation therefor became due before the enactment of the repealing law, complainant had no contract, within the intendment of the provision of the Federal Constitution, which could be impaired by the repeal of the law in existence at the time of the rendition of his services; that said mandate and decree of the supreme court of Louisiana was rendered in March, 1882, and that the police jury of said parish of Madison, notwithstanding said mandate and decree, has prevented complainant from prosecuting a writ of error by promising to pay the amount determined by said judgment and decree, and has, in fact, paid the sum of $1,000.00 on April 28th, 1885, and the further sum of $5,000.00 on July 16th, 1885, leaving to complainant of the amount so determined to be due the sum of $4,841.67, with legal interest from February 8th, 1886; that complainant, in a spirit of compromise, was disposed to acquiesce in said judgment and decree of the supreme court of the State of Louisiana, and to accept in satisfaction such sum, but that said police jury of said parish now refuses to pay the balance of such sum to complainant, and although there is now in the parish treasury a sum to the credit of the general fund more than sufficient to pay such balances and not needed for general parish expenses, the said police jury refuses to pay such balance to complainant, but proposes without warrant or authority of law
4 to appropriate such surplus of the general fund to the building of a court-house and jail, and to leave complainant without any adequate redress or remedy in the State court. For which said reasons this complainant considers himself released from any and all obligations to the said parish of Madison and to the police jury of said parish by reason of their bad faith in the premises, and claims to invoke the protection of the constitution and laws of the United States, and the remedies of which he has been illegally sought to be deprived by the said mandate and decree of the said supreme court of Louisiana. This complainant shows that there is legally and equitably and justly due to him for his said services so rendered to the said parish of Madison the said sum of $34,388.00, less the sum of $1,000.00, paid April 28th, 1885, and of $5,000 paid

July 16th, 1885, with legal interest from May 14th, 1877; that the contract, or implied contract, of complainant with said parish of Madison does come within the intendment of section 10, art. 1, of the Constitution of the United States, and that the act of 1877 and the interpretation put upon said act by the said supreme court of Louisiana, depriving complainant of the remedy given by sec. 2628 of the Revised Statutes, are repugnant to and in conflict with the aforesaid provision of the Constitution of the United States, and are an impairment of the contract, and as such null and void; that the aforesaid judgment, mandate, and decree of the supreme court of Louisiana rejecting the demand of complainant for the compensation fixed by law for his services, and reducing said compensation to said sum of $7,537.40, and denying to him the remedy
5 provided by the aforesaid section 2628 of the Revised Statutes, is null and void and of no effect as repugnant to and in conflict with section 1 of the 14th Amendment to the Constitution of the United States.

That the aforesaid section provides that no State shall deprive any person of life, liberty, or property without due compensation and process of law, nor deny to any person within its jurisdiction the equal protection of the laws; that art. 11 of the constitution of the State of Louisiana provides that all courts shall be open and every person, for injury done him in his rights, lands, goods, person, or reputation, shall have adequate remedy by due process of law and justice administered without denial or unreasonable delay; that complainant was legally entitled, by the aforesaid section 1168 of the Revised Statutes and by his contract, or implied contract, with the said parish of Madison, to the sum of $39,788.00, being a fee of five per cent. on the amount for defending the suits in which said parish was defendant, as compensation for his services, and that the decision of the supreme court of Louisiana, that he rendered no services in the other suits, because said suits were taken, in conformity to the practice of the court, as test cases, where it was admitted that the judgement in said two suits so tried were decisive of the issues in all of said suits, was both a denial of justice within the intendment of art. 11 of the State constitution and a deprivation of the rights and property of complainant within the intendment of the United States Constitution.

That complainant was entitled, by the aforesaid provision of sec. 2628 of the Revised Statutes, to a judgement ordering the board of assessors, or parish officers whose duty it was to assess taxes, forthwith to assess a parish tax at a sufficient rate per cent. upon
6 the assessment-roll of the current year to pay and satisfy said judgement, and that the decision of the said supreme court of Louisiana, that complainant had no contract with the said parish of Madison within the intendment of section 10, art. 1, of the Constitution of the United States, was a virtual denial of justice, prohibited by the aforesaid art. 11 of the State constitution, and a deprivation of property without due process of law, prohibited by sec. 1 of the 14th Amendment to the Federal Constitution. This complainant further shows that if the aforesaid judgement, mandate,

and decree of the supreme court of Louisiana fixing the compensation due to him by the said parish of Madison at the said sum of $7,537.40 and interest is not null and void, as charged, but is *res adjudicata*, or, if it be held that he is estopped by acquiescence or other cause from claiming the sum equitably and justly due him for his said services, he is entitled, by the aforesaid provision of sec. 2628 of the Revised Statutes, to a decree ordering the board of assessors, or parish officers whose duty it is to assess taxes, forthwith to assess a parish tax at a sufficient rate per cent. upon the assessment-roll of the current year to pay and satisfy said judgement. This complainant further shows that, if he is not entitled to such decree, he, as a creditor of said parish, has an equitable lien on the proceeds of the general fund in the hands of the parish treasurer, or so much thereof as may not be needed for general parish expenses; that said parish has no property, rights, or credits which can be taken in execution; that a return *nulla bona* has been made on a writ of *fi. fa.*, and that if said police jury is allowed to appropriate said surplus now in
7 the treasury to the building of a court-house and jail, or to other than the general expenses of the parish, or to waste or dissipate or misappropriate said fund to the predjudice and detriment of complainant as a creditor, this complainant will be left entirely without a remedy; that the police jury of said parish is now seeking to confiscate the judgement rendered in complainant's favor by the supreme court of Louisiana by imposing taxes thereon, against which illegal and unwarranted proceeding he is now seeking relief, and that the laws of the State of Louisiana and the courts of the State of Louisiana have not only impaired but destroyed the obligation of his contract, and have deprived him of his property without due process of law. To the end, therefore, that complainant may have that relief which he can only obtain in a court of equity, and that the said defendants may answer the premises, but not upon oath or affirmation, the benefit whereof is expressly wa-ved by complainant, and that the said defendant- may be perpetually enjoined from appropriating the surplus of the general fund now in the parish treasury to other than general parish purposes, and especially from appropriating said surplus to the construction of a court-house and jail, and from wasting or dissipating or in any manner misappropriating said surplus now in the said treasury, or hereafter to accrue from the general parish tax, until the claim of complainant is fully paid and satisfied. May it please your honor to grant a writ of injunction directed to the said Elias S. Dennis, president, and to the said Garthan A. Richardson, Mike P. Erwin, John T. Cochran, George M. Long, and Aaron Armstrong and George W. Sevier, members of the police jury of said parish of Madison, and to the said George T. Trezevant, treasurer of said parish, and to the said Henry B. Holmes, collector of State and parish
8 taxes, specially enjoining and restraining them and each of them from appropriating the proceeds of the general parish tax to the building of a court-house and jail, or to any other than general parish purposes, until the further order of this court, and

that a receiver be appointed to take charge of such surplus as may now be in the parish treasury, or may be accrued hereafter from the proceeds of the general parish tax in excess of the general expenses, to await the order, direction, and decree of this court, and that the aforesaid judgement, mandate, and decree of the supreme court of Louisiana be pronounced absolutely null and void and of no effect, as repugnant to and in conflict with the aforesaid provisions of the Constitution of the United States, and that it be decreed that complainant have and recover from the defendant, Parish of Madison, the sum of $39,788.00, with legal interest from May 14th, 1877, less the sum of $5,400 paid, and the further sum of $1,000 paid April 28th, 1885, and the further sum of $5,000.00 paid July 16th, 1885.

Or that it be decreed that complainant have and recover from the defendant, Parish of Madison, the sum of $7,537.40, with legal interest from May 14th, 1877, less the sum of $1,000.00 paid April 28th, 1885, and the further sum of $5,000.00 paid July 16th, 1885, and that it be decreed that the said defendants, president and members of the police jury and tax collector and parish treasurer, whose duty it is to collect and assess taxes, forthwith assess and collect a parish tax at a sufficient rate per cent. upon the assessment-roll of the year 1882, or of the current year, as may seem best, to pay and satisfy the claims of complainant, or that the equitable lien of complainant on the surplus of the general fund now in the parish treasury, or hereafter to accrue from the general parish tax, be recognized, and

9 that the said defendants, or the said receiver of this court to be appointed, be ordered to pay to complainant all the accumulations of the surplus of the general parish tax in excess of the necessary expenses until his claims are paid and satisfied.

May it please your honor to grant unto complainant citations to be directed to the Parish of Madison, by E. S. Dennis, pres'd't police jury; to said Elias S. Dennis, president of the police jury for the said parish of Madison, and to Garthan A. Richardson, Mike P. Erwin, John T. Cochran, George M. Long, and Aaron Armstrong and George W. Sevier, members, and Henry B. Holmes, tax collector, and George T. Trezevant, parish treasurer, thereby commanding them and each of them at a certain time, and under a certain penalty therein to be limited, personally to appear before this hon'l. court and then and there full, true, direct, and perfect answers make to all and singular the premises; and, further, to stand to, perform, and abide such further order, direction, and decree therein as to this hon'l. court shall seem correct and for general equitable relief in the premises.

WADE R. YOUNG,
Of Counsel.

Affidavit.

Before me, the undersigned authority, personally came and appeared Jacob C. Seale, the complainant, who, being by me duly sworn, doth depose and say that all the facts stated and allegations made in the foregoing petition are true and correct, and the district judge is absent from the parish.

J. C. SEALE.

Sworn to and subscribed before me this 1st day of March, A. D. 1886.

P. J. WATSON,
Justice of the Peace.

Order.

STATE OF LOUISIANA, *Parish of Madison:*

8th Judicial District Court.

The foregoing petition and affidavit considered. It is ordered that injunctions issue as prayed for upon plaintiffs furnishing bond with approved security in an amount equal to one-half of the
10 amount claimed. Thus done and signed at office this 22nd day of March, 1886.

[SEAL.]

F. M. DAWSON,
Clerk 8th District Court.

(Endorsed:) No. 700. 8th district court, Madison parish, La. J. C. Seale *vs.* The Parish of Madison *et als.* Petition, affidavit, and order. Filed March 22nd, 1886. F. M. Dawson, clerk. Recorded in record of suits, book "C," pages 1, 2, 3, 4, & 5.

Injunction Bond.

8th District Court, Parish of Madison.

J. C. SEALE
vs.
THE PARISH OF MADISON *et als.* } No. 700.

Know all men by these presents that we, J. C. Seale, as principal, and F. L. Maxwell, as security, are held and firmly bound unto the Parish of Madison and Elias S. Dennis, president, and G. A. Richardson, M. P. Erwin, J. T. Cochran, G. M. Long, Geo. W. Sevier, and A. B. Armstrong, members of the police jury of said parish, and Henry B. Holmes, sheriff and *ex-officio* tax collector, and George T. Trezevant, treasurer of said parish, in the full sum of $3,000 (three thousand dollars), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our administrators and heirs, firmly by these presents. The condition of the above obligation is such that whereas the above-bound principal, as plaintiff in the above-entitled suit, has obtained a writ of injunction enjoining and restraining obligors from appropriating the sum of $4,841.67, four thousand eight hundred and forty-one dollars and sixty-seven one-hundredths, with legal interest from February 8th, 1886, and costs, of the surplus of the general fund now in the parish treasury to other than general parish purposes, and especially from appropriating said surplus to the construction
11 of a court-house and jail, or from wasting or dissipating or in any manner misappropriating such surplus, or so much thereof as may be necessary to satisfy the demand of said plaintiff, for the said sum of $4,841.67, with interest and costs, now in the

parish treasury, or hereafter to accrue from the general parish tax, until the demand of plaintiff is fully paid and satisfied:

Now, therefore, if the said principal shall well and truly pay, or cause to be paid, such damages as may have been sustained by the defendants in case it should be proved & decided that the injunction was wrongfully obtained, then and in that case this bond to be null and void; otherwise to remain in full force and effect.

J. C. SEALE.
F. L. MAXWELL.

Witnesses to F. L. Maxwell's —:
FRENCH LONG.
F. P. MOORE.

(Endorsed:) No. 700. 8th district court, parish of Madison, La. J. C. Seale *vs.* The Parish of Madison *et al.* Injunction bond. Filed March 22d, 1886. F. M. Dawson, clerk. Recorded in record of suits, book "C," pages 6 & 7.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

Eighth District Court.

J. C. SEALE
vs.
THE P'H OF MADISON *et als.* } No. 700.

To Henry B. Holmes, tax collector for Madison parish, La., residing in the parish and State aforesaid:

You are hereby cited to either comply with demands contained in the petition of Jacob C. Seale, of which a copy accompanies this citation, or to deliver your answer to the said petition, at the office of the clerk of the said court, held in the town of Tallulah, within ten days from the service thereof.

12 Witness the Hon'l. E. J. Deloney, judge of said court, and the official seal thereof, this 25th day of March, A. D. 1886.

[SEAL.] F. M. DAWSON,
Clerk of Dist. Court.

Coroner's Return.

Rec'd March 26th and served the same day of the same month and year by handing a certified copy of this citation, together with the copy of petition accompanying the same and a certified copy of the writ of injunction issued in this case, to Henry B. Holmes, sheriff of this parish, in person, in the town of Tallulah, Madison parish, La., this 26th day of March, 1886.

DR. D. M. DAUCY, *Coroner.*

Service cit.	$2 00
Service writ injunct.	2 00
	$4 00

(Endorsed:) No. 700. N. S. 8th district court. Citation. Original. Filed March 20th, 1886. F. M. Dawson, clerk, to H. B. Holmes, tax collector.

Petition and Bond for Removal.

8th District Court, Parish of Madison.

JACOB C. SEALE
vs.
THE P'H OF MADISON *et als.* } No. 700.

To the hon'l. the judge of said court:

The plaintiff respectfully shows that this suit is one of a civil nature in equity, now pending in your honorable court, where the matter in dispute exceeds the sum of ($500) five hundred dollars and arising under the Constitution and laws of the United States, and that your petitioner [is] to have said suit removed into the circuit court of the United States for the western district of Louisiana. Wherefore he files herewith his petition and bond, conditioned according to law, and prays that they be accepted and no further proceedings had in said suit in this hon'l. court.

WADE R. YOUNG,
Of Counsel.

13 *Bond.*

8th District Court, Parish of Madison.

JACOB C. SEALE
vs.
THE P'H OF MADISON *et als.* } No. 700.

Know all men by these presents that we, Jacob C. Seale, as principal, and James J. Dundas, as security, are held and firmly bound to the Parish of Madison and Elias S. Dennis, president, and G. W. Sevier, G. A. Richardson, John T. Cochran, George M. Long, Aaron Armstrong, M. P. Erwin, and Elias S. Dennis, members of the police jury of said parish, and H. B. Holmes, sheriff and *ex-officio* tax collector, and George T. Trezevant, treasurer for said parish, in the full sum of five hundred dollars, lawful money of the United States, for the payment of which, well and truly to be made to them and their successors, we bind ourselves, our administrators and heirs, firmly by these presents. The condition of the above obligation is such that whereas the above-bound principal, as plaintiff in the above-entitled suit now pending in the above-styled court, has filed his petition and bond to remove said suit into the circuit court of the United States for the western district of Louisiana: Now, therefore, if he shall enter in such circuit court on the first day of the next session a copy of the record in such suit, and shall pay all costs that may be awarded by the said circuit court if said court shall hold that such suit was wrongfully or improperly removed thereto, then

and in that case this bond to be null and void; otherwise to remain of full force and effect.

Parish of Madison, La., March 27th, 1886.

J. C. SEALE.
JAS. J. DUNDAS.

Witnesses:
S. S. P. DANGERFIELD.
W. E. TODD.

14 (Endorsed:) No. 700. 8th district court. —— —— Parish of Madison *et als.* Petition and bond for removal. Filed March 27th, 1886. F. M. Dawson, clerk. Recorded in record of suits, book "C," pages 7 and 8. W. H. McFarland, d'p'y clerk.

Writ of Injunction.

STATE OF LOUISIANA, *Parish of Madison:*

8th District Court.

J. C. SEALE
vs.
THE P'H OF MADISON *et als.* } No. 700.

The parish of Louisiana and said court to the parish of Madison, by Elias S. Dennis, president police jury; Elias S. Dennis, president of the police jury for said parish of Madison, and to G. A. Richardson, M. P. Erwin, J. T. Cochran, G. M. Long, Aaron Armstrong, and George W. Sevier, & members of the police jury for said parish, and to Henry B. Holmes, tax collector, and George T. Trezevant, parish treasurer for said parish, residing in the parish of Madison and State aforesaid:

Whereas due proof has been made before the honorable the eighth district court in and for the parish of Madison, State of Louisiana, by Jacob C. Seale, a resident of this parish, that the parish of Madison is now indebted unto him in an amount determined by judgement of the supreme court of Louisiana of four thousand eight hundred and forty-one $\frac{67}{100}$ dollars, with legal interest from February 8th, 1886; that he, as a creditor of said parish, has an equitable lien on the proceeds of the general fund in the hands of the parish treasurer, or on so much thereof as may not be needed for general parish expenses, and that if said police jury is allowed to appropriate said surplus now in the treasury to the building of a court-house and jail, or to other than the general expenses of the parish, or to waste or dissipate or misappropriate said funds to the detriment of plaintiff, he will be entirely left without remedy.

15 Now, therefore, you are hereby specially enjoined, each of you, from appropriating the proceeds of the general parish tax to the building of a court-house and jail, or to any other than general parish purposes, until the further order of this court; and Henry B. Holmes, sheriff of this parish, is hereby ordered to serve a copy of this writ of injunction on defendants, to wit, The Parish of

Madison, by Elias S. Dennis, president police jury; on Elias S. Dennis, president of the police jury of the said parish of Madison; on G. A. Richardson, M. P. Erwin, J. T. Cochran, G. M. Long, Aaron Armstrong, and Geo. W. Sevier, members of the police jury, and on Geo. T. Trezevant, parish treasurer, and of his doings in the premises make return on this writ according to law.

Witness the Honorable E. J. Deloney, judge of said court, and the seal thereof this 25th March, A. D. 1886.

[L. S.]

F. M. DAWSON,
Clerk of said Court

Sheriff's Return.

Rec'd the within writ in office on the 25th March, 1886, and on 29th of same month and year I served a duly certified copy of said writ, together with a duly certified copy of the citation and petition, on the within-named defendant, J. T. Cochran, in person at his residence, and on 30th March, 1886, I also served a duly certified copy of the citation and petition on the defendants, G. A. Richardson and M. P. Erwin, in person at their residences; I also, on the 31st March, 1886, served a duly certified copy of the within writ, together with a duly certified copy of the citation and petition, on the defendant, Aaron Armstrong, in person at Waverly Station.

Service, $2.00.

GEO. SPENCER,
Dep'y Sheriff.

Received the within writ in office [on the] 25th March, 1886, and on the 28th [of] same month and year I served a
16 duly certified copy of same on E. S. Dennis, Esq., president police jury, by handing same to him in person in the town of Tallulah, together with the citation and petition accompanying same. I also, on the 31st of same month and year, served a duly certified copy of the within writ on Geo. W. Sevier, Esq., member of police jury, by handing same to him in person, together with the citation and petition accompanying same, in the town of Tallulah, in this parish. I also, on the 30th of same month and year, served a duly certified copy of the within writ, together with a duly certified copy of the citation and petition accompanying same, on Geo. M. Long, member of police jury, by handing same to him in person in the town of Tallulah, in this parish. I also, on 30th same month and year, served a duly certified copy of the within writ, together with a duly certified copy of the citation and petition accompanying it, on George F. Trezevant, Esq., parish treasurer, by handing same to him at his domicile, in this parish.

Service, $2.00.

T. W. BRISCOE,
D'p'y Sh'ff.

(Writ endorsed:) No. 700. 8th district court, Madison parish, La. J. C. Seale *vs.* The Parish of Madison *et als.* Writ of injunction. Original filed April 1st, 1886. W. H. McFarland, d'p'y clerk.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

8th District Court.

J. C. SEALE
vs.
THE P'H OF MADISON *et als.* } No. 700. N. S.

The parish of Madison by E. S. Dennis, president of the police jury, and Elias S. Dennis, president of the police jury for the said parish of Madison, residing in the parish and State aforesaid:

You are hereby cited to comply either with [the] demands contained in the petition of the said Jacob C. Seale, of which a
17 copy accompanies this citation, or to deliver your answer to the said petition at the office of the clerk of the said court held in the town of Tallulah, within said parish, within 11 days from the service thereof.

Witness the Honorable E. J. Deloney, judge of said court, and the official seal thereof, this 25th day of March, A. D. 1886.

[SEAL.] F. M. DAWSON,
Clerk of District Court.

Sheriff's Return.

Received in office 25th March, 1886, and on 28th of same month and year I served, a duly certified copy of the within citation, together with a duly certified copy of the petition accompanying same, on the within-named defendant, E. S. Dennis, Esq., president of the police jury, &c., by handing same to him in person in the town of Tallulah. I also, at the same time, served on him a duly certified copy of the writ of injunction accompanying said citation and petition.

Service, $2.00.

T. W. BRISCOE,
D'p'y Sh'ff.

(Endorsed:) No. 700. N. S. Eighth district court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y clerk. To the parish of Madison and E. S. Dennis, pres'd't police jury, etc.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

Eighth District Court.

J. C. SEALE
vs.
THE PARISH OF MADISON *et als.* } No. 700. N. S.

To John T. Cochran, member of the police jury for Madison parish, La., residing in the parish and State aforesaid:

You are hereby cited to appear and comply with the demands contained in the petition of the said Jacob C. Seale, of which a copy

accompanies this citation, or to deliver your answer to the said petition at the office of the clerk of the said court, held in the
18 town of Tallulah, within said parish, within 11 days from the service thereof.

Witness the Honorable E. J. Deloney, judge of said court, and the official seal thereof, this 25th day of March, A. D. 1886.

[SEAL.] F. M. DAWSON,
Clerk of District Court.

Sheriff's Return.

Rec'd in office 25th March, 1886, and on 29th of same month and year I served a duly certified copy of the within citation, together with a duly certified copy of the petition accompanying same, by handing the same to within defendant, J. T. Cochran, in person, at his domicile. I also, at the same time, served on him a duly certified copy of the writ of injunction accompanying said citation and petition.

Service	$2 00
Mileage	3 60

GEORGE SPENCER,
D'p'y Sh'ff.

(Endorsed:) No. 700. N. S. Eighth district court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y clerk. To Jno. T. Cochran, member police jury.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

Eighth District Court.

J. C. SEALE
vs.
THE PARISH OF MADISON *et als.* } No. 700. N. S.

To Garthan A. Richardson, member of police jury for said parish of Madison, La., residing in State and parish aforesaid:

You are hereby cited either to comply with demands contained in the petition of the said Jacob C. Seale, of which a duly certified copy accompanies this citation, or to deliver your answer to the said petition at the office of the clerk of the said court, held in
19 the town of Tallulah, within said parish, within 10 days from the service thereof.

Witness the Honorable E. J. Deloney, judge of said court, and the official seal thereof, this 25th day of March, A. D. 1886.

[SEAL.] F. M. DAWSON,
Clerk of District Court.

Sheriff's Return.

Received in office 25th March, 1886, and on the 30th same month and year I served a duly certified copy of the within citation, to-

gether with a duly certified copy of petition accompanying same, by handing same to within defendant, G. A. Richardson, in person at his domicile. I also at the same time served on him a duly certified copy of the writ of injunction accompanying said citation and petition.

Service $2 00
Mileage 1 00

GEO. SPENCER,
D'p'y Sheriff.

(Endorsed:) No. 700. N. S. Eighth district court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y clerk. To G. A. Richardson, member police jury.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

Eighth District Court.

J. C. SEALE
vs.
THE PARISH OF MADISON *et als.* } No. 700. N. S.

To Mike P. Erwin, member police jury for Madison parish, La., residing in the parish and State aforesaid:

You are hereby cited either to comply with demand contained in the petition of the said Jacob C. Seale, of which a copy accompanies this citation, or to deliver your answer to the said petition at the office of the clerk of the said court, held in the town of Tallulah, within said parish, within 11 days from the service thereof.

20 Witness the Hon. E. J. Delony, judge of said court, and the official seal thereof, this 25th day of March, A. D. 1886.

[SEAL.] F. M. DAWSON,
Clerk of District Court.

Sheriff's Return.

Rec'd in office March 25th, 1886, and on 30th of same month and year I served a duly certified copy of the within citation, together with a duly certified copy of the petition accompanying the same, by handing the same to within-named defendant, M. P. Erwin, in person at his domicile. I also at the same time served on him a duly certified copy of the writ of injunction accompanying said citation and petition.

Service $2 00
Mileage 2 00

GEORGE SPENCER,
D'p'y Sheriff.

(Endorsed:) No. 700. N. S. Eighth district court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y clerk. To M. P. Erwin, member police jury.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

Eighth District Court.

J. C. SEALE
vs.
THE PARISH OF MADISON *et als.* } No. 700. N. S.

To Geo. M. Long, member of police jury for Madison parish, La., residing in parish and State aforesaid:

You are hereby cited to either comply with demands contained in the petition of the said Jacob C. Seale, of which a copy accompanies this citation, or to deliver your answer to the said petition at the office of the clerk of the said court in the town of Tallulah, within said parish, within 12 days from the service thereof.

Witness the Honorable E. J. Deloney, judge of said court, and the official seal thereof, this 25th day of March, A. D. 1886.

[SEAL.] F. M. DAWSON,
Clerk of the Court.

21 *Sheriff's Return.*

Received in office March 25th, 1886, and on 30th same month and year I served a duly certified copy of the within citation, together with a duly certified copy of the petition accompanying same, on the within-named defendant, Geo. M. Long, Esq., in person, in the town of Tallulah. I also, at the same time, served on him a duly certified copy of the writ of injunction accompanying said citation & petition.

F. W. BRISCOE,
D'p'y Sheriff.

Service, $2.00.

Endorsed: No. 700. N. S. Eighth district court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y cl'k. To Geo. M. Long, Esq., member police jury.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

Eighth District Court.

J. C. SEALE
vs.
THE PARISH OF MADISON *et als.* } No. 700. N. S.

To Aaron Armstrong, member police jury for Madison parish, La.:

You are hereby cited to either comply with demands contained in the petition of Jacob C. Seale, of which a copy accompanies within petition, or to deliver your answer to the said petition at the clerk's office of the said court, held in the town of Tallulah, within said parish, within 12 days after service thereof.

Witness the Honorable E. J. Deloney, judge of said court, and the official seal thereof this 25th day of March, 1886.

[SEAL.] F. M. DAWSON,
Clerk of District Court.

Sheriff's Return.

Rec'd in office 25th March, 1886, and on 31st same month & year I served a duly certified copy of the within citation, together with a duly certified copy of petition accompanying same, by handing the same to the within-named defendant, Aaron Armstrong, in person, at Waverly station. I also, at the same time, served a duly certified copy of the writ of injunction accompanying said petition and citation.

22

GEORGE SPENCER,
D'p'y Sheriff.

Service	$2 00
Mileage	2 60
	$4 60

Endorsed: No. 700. N. S. Eighth district court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y clerk. To Aaron Armstrong, member police jury.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

Eighth District Court.

J. C. SEALE
vs.
THE P'H OF MADISON *et als.* } No. 700. N. S.

To George W. Sevier, member of the police jury for Madison parish, La., residing in the parish and State aforesaid:

You are hereby cited either to comply with demands contained in the petition of the said Jacob C. Seale, of which a copy accompanies this citation, or to deliver your answer to the within petition at the office of the clerk of the said court, held at the town of Tallulah, within said parish, within 10 days from the service thereof.

Witness the Hon'l. E. J. Deloney, judge of said court, and the official seal thereof this 25th day of March, A. D 1886.

[SEAL.] F. M. DAWSON,
Clerk of Dist. Court.

Sheriff's Return.

Received in office March 25th, 1886, and on 31st same month and year I served a duly certified copy of the within citation, together with a duly certified copy of the petition accompanying same, on the within-named defendant, Geo. W. Sevier, in person, in the town

of Tallulah. I also, at the same time, served on him a duly certified copy of the writ of injunction accompanying said citation & petition.

T. W. BRISCOE,
D'p'y Sh'ff.

Service, $2.00.

23 (Endorsed:) No. 700. N. S. 8th district court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y clerk. To Geo. W. Sevier, member police jury.

Citation.

THE STATE OF LOUISIANA, *Parish of Madison:*

8th District Court.

J. C. SEALE
vs.
THE P'H OF MADISON *et al.* } No. 700. N. S.

To Geo. T. Trezevant, parish treasurer for the parish of Madison, La., residing in the parish & State aforesaid:

You are hereby cited either to comply with demands contained in the petition of said Jacob C. Seale, of which a copy accompanies this citation, or to deliver your answer to the same at the office of the clerk of said court, held in the town of Tallulah, within said parish, within 10 days from the service thereof.

Witness the Hon'l. E. J. Deloney, judge of said court, and the official seal thereof this 25th day of March, A. D. 1886.

[SEAL.]

F. M. DAWSON,
Clerk of District Court.

Sheriff's Return.

Rec'd in office 25th March, 1886, & on 30th same month & year I served a duly certified copy of the within citation, together with a duly certified copy of the petition accompanying same, on the within-named defendant, Geo. T. Trezevant, Esq., parish treasurer, by handing same to him in person at his domicile, in this parish. I also, at the same time, served on him a duly certified copy of the writ of injunction accompanying said citation & petition.

T. W. BRISCOE,
D'p'y Sheriff.

Service, $2.00.

(Endorsed:) No. 700. N. S. 8th dist. court. Citation. Original. Filed April 1st, 1886. W. H. McFarland, d'p'y clerk. To Geo. T. Trezevant, parish treasurer.

24 STATE OF LOUISIANA, *Parish of Madison:*

8th District Court.

CLERK'S OFFICE.

I hereby certify that the above and foregoing thirty-eight & a half (38½) pages contain a true, correct, and complete transcript of all the documents filed and all the proceedings had in the suit wherein J. C. Seale is plaintiff & the Parish of Madison *et als.* [are] defendant- in the 8th district court for the parish of Madison.

Witness my signature and official seal this the 3d day of April, A. D. 1886.

[SEAL.] W. H. McFARLAND,
D'p'y Cl'k 8th Dist. Court.

Endorsed as follows: United States circuit court, 5th circuit, western district of Louisiana. No. 136. Filed April 10th, 1886. J. B. Beattie, d'y cl'k.

25 *Extract of Minutes.*

THURSDAY, *April 15th*, 1886.

Court met pursuant to adjournment.

Present: His honor Aleck Boarman, district judge, presiding.

J. C. SEALE
vs. } No. 136.
PARISH OF MADISON.

Motion to remand filed on behalf of defendants.

Motion to Remand.

U. S. Circuit Court, Western District of Louisiana.

J. C. SEALE *vs.* THE PARISH OF MADISON *et als.*

To the honorable the judges of the said court:

Now come the defendants, and, without answering and appearing herein solely for the purpose of urging this their motion to remand upon the face of the papers, with due respect show that the application and bond for removal herein were prematurely made and filed, and that no order for the removal of said cause was ever granted; shows that appearers were not cited or in any way made parties to this cause prior to the time of filing said application and bond for removal, and that there was then no cause pending between appearers and plaintiffs herein which could be removed; shows that the suit is merely a supplementary proceeding—an incident to and substantially a continuation of the former suit and proceedings
26 between same parties—on which it is alleged to be based; shows that this proceeding is entirely between citizens of the State of Louisiana; shows that this is not a case arising under the Constitution and laws of the United States, and that the State court is fully competent to try and determine same; shows that this hon.

court is without the capacity to try this cause, for the reason that this hon. court has no jurisdiction either of the parties of the subject-matter of the cause, sole jurisdiction over both being vested in said State court. Wherefore appearers move and pray that this cause be dismissed from this honorable court and remanded to the court from whence it came.

(Signed) STONE & MURPHY, *Attorneys.*

(Endorsed:) No. 136. U. S. circuit court, western dist. of La. J. C. Seale *vs.* The Parish of Madison *et als.* Motion to remand. Filed April 15th, 1886. J. M. Wheaton, cl'k.

Extract of Minutes.

THURSDAY, *April 29th*, 1886.

Court met pursuant to adjournment.

Present: His honor Aleck Boarman, dist. judge, presiding.

27

J. C. SEALE
vs.
P'H OF MADISON *et als.* } No. 136.

The motion to remand, filed herein on behalf of def'ts, came on to be heard. After argument by counsel the same was taken under advisement by the court.

Extract of Minutes.

MONDAY, *July 19th*, 1886.

Court met pursuant to adjournment.

Present: Hon. Aleck Boarman, dist. judge, presiding.

J. C. SEALE
vs.
THE P'H OF MADISON. } No. 136.

Motion to remand sustained. See decree.

Judgement.

U. S. Circuit Court, Western Dist. of Louisiana.

J. C. SEALE *vs.* P'H OF MADISON.

This cause came on to be heard at the motion of def'ts to remand the suit to the State court; and the court being of the opinion that the record does not disclose a case properly within its jurisdiction, it is thereupon ordered, adjudged, and decreed that the suit be remanded to the 8th dist. court for p'h of Madison, at the costs of complainants.

This done, had, & signed in open court, at Shreveport, this 25th day of Feb'y, 1886.

(Signed) ALECK BOARMAN,
U. S. Judge.

(Endorsed:) No. 136. U. S. circuit court, west. dist. Louisiana. J. C. Seale *vs.* P'h of Madison. Judgement. Filed July 20th, 1886. J. B. Beattie, dep'y cl'k.

28 *Extract of Minutes of July 17th, 1886 (cont'd).*

J. C. SEALE
vs.
P'H OF MADISON. } No. 136.

On motion of Wade R. Young, Esq., solicitor for complainants, it is ordered that an appeal — in this case, returnable into the Supreme Court of the United States within 30 days from the date hereof, with a supersedeas and affirmative order, contai*n*ing in force a preliminary injunction granted herein until the further order of the United States Supreme Court, upon complainant entering into bond, conditioned according to law, in the sum of $1,500.00, solicitor for def'ts being present in open court and taking cognizance thereof.

Appeal Bond.

Know all men by these presents that we, Jacob C. Seale, as principal, and Friend L. Maxwell, as surety, are held and firmly bound unto the Parish of Madison in the full and just sum of fifteen hundred dollars, to be paid to the said defendants, their certain attorney, executor, and administrator, jointly and severally, by these presents.

Sealed with our seals and dated this 29th *this 29th* day of July, in the year one thousand eight hundred and eighty-six.

Whereas lately at a circuit court of the United States for the western district of Louisiana, in a suit depending in said
29 court between Jacob C. Seale, as plaintiff, and The Parish of Madison, as defendant, a decree was rendered against the said Jacob C. Seale, and the said plaintiff having obtained an appeal and filed a copy thereof in the clerk's office of said court to reverse the decree in the aforesaid suit, and a citation directed to the said defendant-, citing and admonishing them to be and appear at a Supreme Court of the United States within thirty days from the date of said order of appeal:

Now, the condition of the above obligation is such that if the said Jacob C. Seale shall prosecute his said appeal to effect and answer all damages and costs if he fail to make his plea good, then the above obligation to be void, else to remain in full force and virtue.

J. C. SEALE.
F. L. MAXWELL.

Sealed and delivered in presence of—
CHARLES J. McFARLAND AND
JNO. P. SEALE.

Witnesses:
C. J. McFARLAND.
J. P. SEALE.

Before me, the undersigned authority, personally came and appeared Friend L. Maxwell, who signed, sealed, and delivered the foregoing instrument in my presence, and the said Friend L. Max-

well, being by me duly sworn, deposes and says that he owns
30 in fee-simple and is possessed of property, rights, and credits within the said district which can be taken in execution of the value largely exceeding the sum of fifteen hundred dollars over and above all liabilities and exemptions.

F. L. MAXWELL.

Sworn to and subscribed before me this 29th day of July, A. D. 1886.

S. S. P. DANGERFIELD,
Notary Public.

Approved. July 31st, 1886.

ALECK BOARMAN,
U. S. Judge.

Filed July 31st, 1886.

J. B. BEATTIE, *D'y Cl'k.*

Endorsed: U. S. circuit court, 5th circuit, western district of Louisiana. No. 136. J. C. Seale *vs.* Parish of Madison. Appeal Bond.

Extract of Minutes.

WEDNESDAY, *August 4th*, 1886.

Court met pursuant to adjournment.

Present: His hon. Aleck Boarman, dist. judge, presiding.

Ordered, That the court do now adjourn until its next regular term.

ALECK BOARMAN, *Judge.*

31 UNITED STATES OF AMERICA:

Circuit Court of the United States, Fifth Circuit and Western District of Louisiana.

CLERK'S OFFICE.

I, J. B. Beattie, deputy clerk of the circuit court of the United States for the fifth circuit and western district of Louisiana, do hereby certify that the foregoing 30 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced, on the trial of the case of J. C. Seale *vs.* Parish of Madison, No. 136 of the docket of the said court.

Witness my hand and the seal of said court, at the city of Monroe, La., this 17th day of August, A. D. 1886.

[Seal U. S. Circuit Court for the Western Dist. of La.]

J. B. BEATTIE,
Deputy Clerk.

I, Aleck Boarman, United States judge for the western district of Louisiana, do certify that J. B. Beattie, whose name is signed to the above certificate as deputy clerk of the circuit court of the United States for the fifth circuit and western district of Louisiana, was, at

the time of signing said certificate and is now, the deputy clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such deputy clerk.

Given under my hand, at the city of Shreveport, La., in said district, this 19th day of August, A. D. 1886.

ALECK BOARMAN, *Judge.*

Endorsed on cover: W. Louisiana C. C. U. S. No. 1237. Jacob C. Seale, appellant, *vs.* The Parish of Madison. Filed October 21, 1886.